

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 38 of 1984

WITH

SPECIAL CIVIL APPLICATION No 168 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

J. M. SHAH & ORS.

Versus

STATE OF GUJARAT & ORS.

Appearance:

In both Special Civil Applications

Mr. D.M. Thakkar for Petitioners

Mr. Nigam Shukla for Respondent-State

Mr. Girish Patel for Pvt. Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 21/08/96

ORAL JUDGMENT

Heard learned counsel for the parties. The dispute relates to the fixation of the seniority in the cadre of Junior Clerks and consequential apprehension of

reversion from the post of Senior Clerk to that of Junior Clerk of the petitioners in this Special Civil Applications.

2. So far as the apprehended reversion is concerned, it is suffice to say that the petitioners have been protected by this Court and admittedly they are working on the higher posts. The seniority list which has been fixed in the cadre of Junior Clerk is sought to be changed on applying different criteria which is the major born of contention in this Special Civil Application. The detailed facts of the case as well as the grounds raised in these Special Civil Applications need not be given out for the reason that both the counsel appearing for the parties agree that the matters are squarely covered by the decision of this Court given in Special Civil Application No.2231 of 1981 decided on 1.3.95. After filing of these Special Civil Applications, subsequent development has taken place and the criteria of fixation of seniority on the basis of marks obtained in S.S.C. examination, which is under challenge in these Special Civil Applications has been taken back by the respondent and the fresh seniority list has been prepared. That seniority list could not be finalized as certain matters are pending before this Court including these two Special Civil Applications.

3. These Special Civil Applications, in view of these facts, stand disposed of in terms of the judgment given by this Court in Special Civil Application No.2231 of 1981 decided on 1.3.1995. Rule is disposed of accordingly. The office is directed to place on the record of these Special Civil Applications, zerox copies of the judgment of this Court given in Special Civil Application No.2231 of 1981 decided on 1.3.1995, Coram: K.R. Vyas, J.

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(sunil)